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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,393	03/31/2004	Dai-Liang Ting	10113991	5368

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EXAMINER

TON, MINH TOAN T

ART UNIT PAPER NUMBER

2871

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,393

Applicant(s)

TING ET AL.

Examiner

Toan Ton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 22-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

(A) the specifics of the device being comprised of particular and distinct structural elements such as particular and distinct relationships and/or characteristics of the reflective layer, the color filter, the substrates (an embodiment comprising claims 1-21);

(B) the specifics of the device being comprised of particular and distinct structural elements such as particular and distinct structural relationships and/or characteristics of the reflective layer, the color filter, the substrates (an embodiment comprising claims 22-29).

The species are independent or distinct because species B comprising claims 22-29 appears to be directed to an embodiment that is patentably distinct from species A comprising claims 1-21.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic claim.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Newly submitted claims 22-29 appears directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: species B comprising claims 22-29 appears to be directed to an embodiment that is patentably distinct from species A comprising claims 1-21.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 22-29 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-10, 12-15 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozawa et al (US 2004/0165130).

Ozawa discloses a transfective liquid crystal display device a method of manufacturing a transfective liquid crystal display device comprising (see at least Figures 1-2): a first substrate; an insulating layer formed on selected regions on the first substrate, the insulating layer having a reflective top surface 45; and a color filter (81, 82) over the first substrate, including over the

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insulating layer at the selected regions, wherein a thickness of the color filter at the selected regions (81) is thinner than that outside of the selected regions (e.g., 82); a liquid crystal element supported on the color filter on the array substrate; and electrodes (11, 21) operatively coupled to the liquid crystal element.

Ozawa discloses the insulating layer (integrally) including a reflective layer having a reflective top surface 45.

Ozawa discloses the insulating layer not extending beyond the selected regions on the substrate, and the selected regions generally defining reflective regions (81) on the substrate and the regions outside the selected regions (82) generally defining transmissive regions on the substrate.

Ozawa discloses the device comprising a pixel electrode 11 formed on the color filter.

Ozawa discloses the electrodes comprising a pixel electrode 11 and a common electrode 21.

In regard to the method claims, the method is merely providing elements for the transfective liquid crystal display device.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 4, 11, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa et al as applied to claims 1-3, 5-10, 12-15 and 17-20 above.

The insulating layer extending beyond the selected regions on the substrate appears to be at least an obvious variation (i.e., not patentably distinct) the insulating layer not extending beyond the selected regions on the substrate. Thus, it would have been at least obvious to one of ordinary skill in the art at the time the invention was made to employ the insulating layer extending beyond the selected regions on the substrate, as it appears to be at least an obvious variation (i.e., not patentably distinct) the insulating layer not extending beyond the selected regions on the substrate.

Response to Arguments

4. Applicant's arguments filed 03/15/06 have been fully considered but they are not persuasive.

Applicant's arguments are as follows:

(1) Ozawa fails to an insulating layer formed on selected regions on the first substrate, the insulating layer having a reflective top surface, a color filter over the first substrate, including over the insulating layer at the selected regions, wherein a thickness of the color filter at the selected regions is thinner than that outside of the selected regions.

(2) The reflective layer disclosed in Ozawa is not the claimed insulating layer since the reflector layer comprises materials such as Al, Ag.

Examiner's responses to Applicant's arguments are as follows:

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(1) Ozawa discloses an insulating layer (e.g., 4) having a reflective top surface 45 formed on selected regions on the first substrate, a color filter (81, 82) over the first substrate, including over the insulating layer at the selected regions, wherein a thickness of the color filter at the selected regions (81) is thinner than that outside of the selected regions (e.g., 82).

(2) The reflective layer (4) may function as an insulating layer having a reflective top surface, as shown in Ozawa. It is noted the present claimed invention in independent claims does not recite particular insulating material(s).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan Ton whose telephone number is (571) 272-2303.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 11, 2006


TOANTON
PRIMARY EXAMINER